



05 DEC 2006

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In re Application of	:	
NAKAMURA	:	
Application No.: 10/566,607	:	DECISION ON PETITION
PCT No.: PCT/JP04/17652	:	
Int. Filing Date: 19 November 2004	:	UNDER 37 CFR 1.181
Priority Date: 25 November 2003	:	
Atty Docket No.: 126868	:	
For: METHOD OF PRODUCTION OF SILICON	:	
CARBIDE SINGLE CRYSTAL	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed 29 September 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

### **BACKGROUND**

On 31 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a first preliminary amendment; an application data sheet and an executed declaration of the inventor.

On 19 June 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper response.

On 21 July 2006, applicant filed a response including a copy of the executed declaration along with a postcard receipt indicating that the declaration had been filed with the initial filing on 31 January 2006.

On 06 September 2006, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 21 July 2006.

On 29 September 2006, applicant filed the present petition claiming that the 371 requirements were satisfied on 31 January 2006 and requesting a new Form PCT/DO/EO/903.

### DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPPE IAP13 PATENT & TRADEMARK OFFICE JAN 31 2006" and lists as one of the filed items "dec" as well as listing the title, applicant and attorney docket number. The postcard has not been annotated in any way to indicate that the declaration was not received. The evidence is sufficient to establish that the declaration for this application was received in the USPTO on 31 January 2006.

### CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The application has an international filing date of 19 November 2004 under 35 U.S.C. 363 and will be given a date of **31 January 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 06 September 2006 is hereby VACATED.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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